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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/736,587

12/17/2003

James Burke

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37833 7590 12/27/2007  
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EXAMINER

JAIN, RAJ K

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

12/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/736,587

**Applicant(s)**

BURKE, JAMES

**Examiner**

Raj K. Jain

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-171 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-171 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 20071217.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-31, 33-88, 90-145 and 147-171 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gifford et al (USP 6,549,612 B2) in view of Taylor et al (USP 6,034,687)

Regarding claim(s) 1, 58 and 115, Gifford discloses a fax machine for routing voice/video/fax mail (Fig. 1, computer is used as a fax machine for voice/video and fax mail services, col 3 lines 4-7) comprising a processor and memory (Fig. 1, computer inherently incorporates a processor and memory for its proper functioning as is well known in the arts), said fax machine being configured for routing voice/video/fax mail to associated recipients (col 3 lines 4-7).

Gifford explicitly fails to disclose a fax machine.

Taylor discloses a fax machine for the purpose of faxing mail, voice data etc. (col 1 lines 42-65). The use of an external fax machine outside of a computer allows for novice users and/or users lacking a computer to easily transmit/receive a fax and/or voice and video images as needed. Thus it would have been obvious at the time the invention was made to incorporate the teachings of Taylor within Gifford so as to afford an external capability of faxing without the specific use of a computer.

Further regarding claims 58 and 115 Gifford discloses a bi-directional communication system (col 2 lines 29-47) thus each end consisting of appropriate devices for transceiving messages and/or data as needed.

Regarding claim(s) 2-5, 10-19, 27, 28, 59-62, 67-76, 84, 85, 116-119, 124-133, 141 and 142, Gifford discloses microphone, speaker, mouse and other components as appropriate (Figs. 1 & 3).

Regarding claim(s) 29-31, 33-35, 37-39, 86-88, 90-93, 94-96, 143-145, 147-149, 151-153, Gifford discloses verification and authentication mode to determine if a fax was received (Fig. 5, ref. 520).

Regarding claim(s) 41, 43-46, 51, 52, 98, 100-103, 108, 109, 155, 157-160, 165 and 166, Gifford discloses the use of appropriate software within the computer (Fig. 1) for user enabled services (col 8 line 41 – col 9 line 67).

Regarding claim(s) 6-9, 63-66 and 120-123 Taylor discloses printer and recording features (Fig. 9).

Regarding claim(s) 20-26, 36, 77-83, 93, 134-140 and 150, while cited references do not explicitly disclose scanners, stylus, signature pad, retina scan and shredder, however, examiner takes official notice based on (Fig. 1) in Taylor one can easily be incorporated as desired.

Regarding claim(s) 40, 42, 97, 99, 154 and 156, Taylor discloses a queuing system (col 28 lines 30-39).

Regarding claim(s) 47, 104 and 161, Taylor discloses a away message mode (col 8 lines 1-14).

Regarding claim(s) 48, 49, 105, 106, 162 and 163, Taylor discloses touch pad mode (see Fig. 14).

Regarding claim(s) 50, 107 and 164, Taylor discloses voice recognition mode (col 6 lines 40-47).

Regarding claim(s) 53-57, 110-114 and 167- 171, Taylor discloses various features that can be incorporated within the fax machine (col 25 lines 1-60).

Claims 32, 89 and 146 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gifford et al (USP 6,549,612 B2) in view of Botvin (USP 5,750,972).

Gifford fails to disclose a fax a check mode capability.

Botvin discloses a fax a check mode capability (abstract, Fig. 1). Electronic financial transaction via fax allows for users to transmit and generate legal financial documents (bank checks) without the need for actual traveling to a physical bank and reduction of paper and expedite the funds transfer process.

Thus it would have been obvious at the time the invention was made to incorporate the teachings of Botvin within Gifford so as to reduce paper transactions and expedite fund transfers.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj K. Jain whose telephone number is 571-272-3145. The examiner can normally be reached on M-F 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 18, 2007

***Raj K. Jain***  
***/Raj K. Jain/***  
***Art Unit 2616***